

FCC MAIL SECTION

## Federal Communications Commission

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Before the  
Federal Communications Commission  
Washington, D.C. 20554

FCC 97M-43  
70951

In the Matter of	)	WT Docket No. 97-56
	)	
MARC SOBEL	)	
	)	
Applicant for Certain Part 90 Authorizations	)	
in the Los Angeles Area and Requestor Of	)	
Certain Finder's Preferences	)	
	)	
MARC SOBEL and MARC SOBEL	)	
d/b/a AIR WAVE COMMUNICATIONS	)	
	)	
Licensees of Certain Part 90 Stations in the	)	
Los Angeles Area	)	
	)	

**MEMORANDUM OPINION AND ORDER**

Issued: March 19, 1997 ; Released: March 24, 1997

1. Under consideration is a Petition to Intervene, filed March 6, 1997, by James A. Kay, Jr. ("Kay").
2. According to the Hearing Designation Order and Notice of Opportunity for Hearing for Forfeiture, FCC 97-38, released February 12, 1997, "a substantial and material question arises as to whether Marc Sobel ("Sobel") has willfully and/or repeatedly engaged in unauthorized transfers of control of his stations to Kay, in violation of § 310(d) of the Communications Act of 1934, as amended." The alleged transfers of control occurred pursuant to a Radio System Management and Marketing Agreement, dated December 30, 1994, between Sobel and Kay ("Agreement"), which covers 15 stations either owned or previously owned by Sobel.
3. Kay's participation in this proceeding will assist the Commission in determining whether Sobel violated § 310(d) of the Communications Act of 1934, as amended, since Kay has first-hand knowledge of both his and Sobel's day-to-day operations under the Agreement and control of the affected stations. Furthermore, as a Commission licensee, any determination that Kay improperly assumed control of Sobel's stations, or any testimony

**Federal Communications Commission**


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taken in connection therewith, could adversely affect Kay in other business or proceedings before the Commission.

4. At the prehearing conference held on even date, the Mass Media Bureau indicated it has no objection to the grant of the petition.

Accordingly, IT IS ORDERED that the Petition to Intervene, filed March 6, 1997, by James A. Kay, Jr. IS GRANTED, and Kay may intervene in the above-captioned matter.

FEDERAL COMMUNICATIONS COMMISSION

  
John M. Frysia  
Administrative Law Judge